



FAIR POLITICAL PRACTICES COMMISSION

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June 26, 2014

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o/b/o Hiedi Bowman, Treasurer
o/b/o No on Measure P

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Andy Rockas, Esq.
Law Office of Andreas C. Rockas
o/b/o Ellen Ulrich, Principal Officer
o/b/o No on Measure P

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Wayne Ordos, Esq.
Law Office of Wayne Ordos
o/b/o Ellen Ulrich, Principal Officer
o/b/o No on Measure P

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RE: Warning Letter
FPPC Case No. 13/1134; No on Measure P; Ellen Ulrich, Principal Officer;
and Heidi Bowman, Treasurer

Dear Mr. Hartley, Mr. Rockas, and Mr. Ordos:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

As you are aware, the FPPC received a complaint against the No on Measure P committee ("Committee"), Heidi Bowman and Ellen Ulrich for: 1) failing to have the proper disclaimer language required on lawn signs, in violation of Section 84504 and Regulation 18450.1, subdivision (a)(5); 2) failing to disclose the names to whom expenditures were made on campaign statements, in violation of Section 84211, subd. (k); 3) failing to file a late contribution report, in violation of Section 84203; 4) failing to disclose required employer information, in violation of Section 84211, subd. (f)(4); and 5) failing to identify a controlling candidate, in violation of Section 84102, subd. (e). The Commission has decided to close this case with this warning letter.

The FPPC has completed its investigation into the facts in this case. The FPPC found that the Committee: 1) failed to disclose the names to whom expenditures were made on the campaign statement for the reporting period September 22, 2013, through October 19, 2013, in violation of Section 84211, subd. (k); 2) failed to file one late contribution report, in violation of Section 84203; and 3) failed to disclose all of the required employer information for contributors of \$100 or more, in violation of Section 84211, subd. (f)(4).

The Act requires that campaign reports include the name, street address, the amount of each expenditure over \$100, and a brief description of the consideration for which the expenditure was made. (Section 84211, subd. (k)(1)-(4)). Additionally, in relevant part, the Act requires a committee primarily formed to oppose a measure that receives a contribution of \$1,000 or more in the 90 days before an election file a report within 24 hours of the time the contribution is received. (Section 84203). Lastly, the Act requires that when a committee receives a contribution of \$100 or more, the committee is required to disclose the employer of the individual, among other requirements. (Section 84211, subd. (f)(4)).

The FPPC has not found violations regarding the failure to have disclaimer language on lawn signs or regarding Ms. Ulrich acting as a controlling candidate, as alleged in the complaint. The Act requires a ballot measure committee producing lawn signs in a quantity of more than 200 must disclose the name of the committee on the lawn signs. (Section 84504, subd. (c)). The FPPC found that the Committee did not trigger this requirement. Further, under the Act, "controlled committee" means a committee that is controlled directly or indirectly by a candidate or state measure proponent or that acts jointly with a candidate, controlled committee, or state measure proponent in connection with the making of expenditures. A candidate or state measure proponent controls a committee if he or she, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee. In this matter, the investigation revealed that Ms. Ulrich did not have a significant influence over the activities of the Committee under this definition. However, as the named Principal

Officer, Ms. Ulrich is jointly and severally liable for the Committee activity.

Based on the fact that your clients and the Committee had a fairly small amount of financial activity, have no prior enforcement history and have cooperated with the investigation, the FPPC is closing this case with this Warning Letter.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or a manual, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

Sincerely,

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Bridgette Castillo
Senior Commission Counsel
Enforcement Division